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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,194	02/02/2001	Ronald Bruce Martin	14-11	2383

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EXAMINER	
HASHEM, LISA	

ART UNIT	PAPER NUMBER
2645	8

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/777,194	MARTIN ET AL.	
	Examiner	Art Unit	
	Lisa Hashem	2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *9,10,12,14-25,27 and 29* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *02-02-2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

FINAL DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 9 recites the limitation "the wireless unit" in line 12 on page 4. There is insufficient antecedent basis for this limitation in the claim.

3. Claim 10 recites the limitation "the step of determining" in lines 16-17 on page 4. There is insufficient antecedent basis for this limitation in the claim.

4. Claim 12 recites the limitation "the step of sending" in line 3 on page 5. There is insufficient antecedent basis for this limitation in the claim.

5. Claim 14 recites the limitation "the registration" in lines 13-14 on page 5. There is insufficient antecedent basis for this limitation in the claim.

6. Claim 22 recites the limitation "the intention" in line 9 on page 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 9, 10, 12, 14-19, 24-25, 27, and 29 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by U.S. Patent No. 5,987,100 by Fortman et al, hereinafter Fortman.

Regarding claim 9, Fortman discloses a method for automatically directing a calling communication unit of a caller (column 3, lines 42-45; column 4, lines 42-57) to a multimedia mailbox (Figure 3, 330) of a wireless phone (Figure 2, 218; column 3, lines 50-62), the method comprising: inherently registering the wireless phone for direct multimedia mail service (column 3, lines 38-40), the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone (column 4, lines 52-57; column 6, lines 61- 66); receiving a call request for the wireless phone from a calling communication unit, and directing the calling communication unit to the multimedia mailbox associated with the wireless phone without inherently attempting to communicate with the wireless phone (column 4, lines 52-57; column 7, lines 5-13).

Regarding claim 10, a method for automatically directing a calling communication unit to a multimedia mailbox of a wireless phone in accordance with claim 9 mentioned above, wherein Fortman further discloses a step of determining whether the wireless phone has subscribed to direct multimedia mail service (column 3, lines 38-48; column 7, lines 14-16).

Regarding claim 12, a method for automatically directing a calling communication unit to a multimedia mailbox of a wireless phone in accordance with claim 10 mentioned above, wherein Fortman further discloses a step of inherently sending the call request to the wireless phone if the wireless phone has disabled the direct multimedia mail service; the caller would send the call request to the wireless phone, wherein the request is not relayed further to the universal mailbox (column 6, line 61 – column 7, line 4).

Regarding claim 14, Fortman discloses a communication system for inherently providing automatic direction of calling communication units to a multimedia mailbox (column 1, lines 1-

5; Figure 2, 230; column 6, lines 61-67) of a wireless phone (Figure 2: 218; column 3, lines 50-55), the communication system comprising: a call processing control entity or service provider (Figure 3, 320) for inherently registering the wireless phone for direct multimedia mail service (column 3, lines 38-42), the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone (column 4, lines 52-57; column 6, lines 61- 66); a subscriber database coupled to the call processing control entity (Figure 3, 320) via the subscriber mailbox (Figure 3, 330) for inherently storing a registration for direct multimedia mail service of the wireless phone (column 4, lines 16-21; column 5, lines 42-45); a multimedia mail system (as shown in Figure 3) inherently coupled to the call processing control entity (column 4, lines 16-21); and a base station (column 3, lines 50-55; column 4, lines 4-6), inherently coupled to the call processing control entity via an interface (Figure 3, 310) for receiving a direct multimedia mail request for the wireless phone, the direct multimedia mail request being a request to go directly to the multimedia mailbox of the wireless phone without, inherently, attempting to communicate with the wireless phone (column 4, lines 52-57; column 6, lines 61-66; column 7, lines 5-13).

Regarding claim 15, a communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14 mentioned above, wherein Fortman further discloses the base station inherently directs the direct multimedia mail request to the call processing control entity via the interface (Figure 3, 310), wherein the direct multimedia mail request comes from a calling party or caller (column 6, lines 61-63), and wherein the calling party is directed to the multimedia mailbox of the wireless phone without, inherently, attempting to communicate with the wireless phone (column 6, lines 61-66).

Regarding claim 16, a communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14 mentioned above, wherein Fortman further discloses the call processing control entity or service provider may inherently be a Mobile Switching Center (MSC) and the wireless phone is a PCS mobile phone (Figure 2, 218; column 3, lines 52-55; column 4, lines 43-46).

Regarding claim 17, a communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 16 mentioned above, wherein Fortman further discloses the MSC inherently includes an interface (Figure 3, 310) which may inherently be a Service Circuit (SVC), which receives the message from the caller and forwards it to the service provider or MSC (column 7, lines 5-7).

Regarding claim 18, a communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14 mentioned above, wherein Fortman further discloses the subscriber database is inherently a Home Location Register/Visitor Location Register (HLR/VLR), since the wireless phone is a PCS mobile phone (Figure 2, 218). A HLR/VLR is inherent in a mobile wireless system that includes a MSC, SVC, base station, and mobile phone.

Regarding claim 19, a communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14 mentioned above, wherein Fortman further discloses the communication system further comprising a Public Switched Telephone Network (PSTN) coupled to the call processing control entity or service provider via the interface (see Figure 3) for providing communication with landline users (column 4, lines 7-10; Figure 2, PTN).

Regarding claim 24, Fortman discloses a call processing control entity or service provider (Figure 3, 320), for inherently providing automatic direction of calling communication units to a multimedia mailbox (column 1, lines 1-5; Figure 2, 230; column 6, lines 61-67) of a wireless phone (Figure 2: 218; column 3, lines 50-55) without, inherently, attempting to communicate with the wireless phone (column 4, lines 52-57; column 6; lines 61- 66; column 7, lines 5-13), the call processing control entity inherently comprising: a processor for inherently registering a wireless phone for direct multimedia mail service (column 3, lines 38-42), the direct multimedia mail service allowing calls to go directly to the multimedia mailbox associated with the wireless phone (column 4, lines 52-57; column 6, lines 61- 66); an input port for receiving a direct multimedia mail request for the wireless phone (Figure 3, 310) from one of the calling communication units, the direct multimedia mail request being a request to go directly to the multimedia mailbox of the wireless phone without, inherently, first attempting to communicate with the wireless phone (column 6, lines 61-66); and an output port for directing one of the calling communication units request to the multimedia mailbox of the wireless unit without, inherently, attempting to communicate with the wireless phone (Figure 3, 320; column 7, lines 10-13).

Regarding claim 25, a call processing control entity in accordance with claim 24 mentioned above, wherein Fortman further discloses the processor inherently determines whether the wireless phone has subscribed to direct multimedia mail service (column 3, lines 38-42).

Regarding claim 27, a call processing control entity in accordance with claim 25 mentioned above, wherein Fortman further discloses the processor inherently sends the direct

multimedia mail request to the wireless phone if the wireless phone has disabled the direct multimedia mail service, wherein please see the rejection to the method of claim 12 above to reject the call processing control entity of claim 27.

Regarding claim 29, Fortman discloses a method for connecting a calling communication unit of a caller (column 3, lines 42-45; column 4, lines 42-57) with a multimedia mailbox (Figure 3, 330) of a wireless phone (Figure 2, 218; column 3, lines 50-62), the method comprising: receiving a call request at a call processing control entity or service provider (Figure 3, 320) from the calling communication unit, the call request being a request for direct access to the multimedia mailbox associated with the wireless phone; and routing the calling communication unit to the multimedia mailbox without, inherently, attempting to communicate with the wireless phone (column 4, lines 52-57; column 6, lines 61- 66; column 7, lines 5-13).

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

10. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,987,100 by Fortman as applied to claim 14 above, and further in view of U.S. Patent Application No. US 2001/0031635 by Bharatia.

Regarding claims 20-23, a communication system for providing automatic direction of calling communication units to a multimedia mailbox of a wireless phone in accordance with claim 14 mentioned above, wherein Fortman does not teach: (a) the call processing control entity

is a Call Session Control Function (CSCF), (b) the CSCF includes a Multimedia Resource Function (MRF), (c) the MRF determines the intention of a calling party and sends a message to the CSCF, the message instructing the CSCF to perform specified functionality based upon the intention of the calling party, and (d) the subscriber database is a Home Subscriber Server (HSS).

Bharatia discloses a method for supporting operation of a mobile terminal having a subscription in a Third Generation or 3G wireless network within a Second Generation or 2G wireless network. When the 3G mobile terminal roams into the service area of the legacy network, the mobile terminal sends an attach request to a support node of the legacy wireless network. The legacy wireless network then authenticates the mobile terminal (see Abstract).

Bharatia further discloses a call processing control entity or CSCF that acts as a first entry point to the system and performs routing of incoming calls, call screening, call forwarding, and interacts with other system components to perform query address handling operations (page 4, column 1, section 0076, lines 1-11). The CSCF includes a MRF in order to support multiparty and other services (page 4, column 1, section 0077, lines 1-4). The MRF determines the intention of a calling party and sends a message to the CSCF, the message instructing the CSCF to perform specified functionality based upon the intention of the calling party (page 5, section 0089, lines 1-9). The subscriber database is a Home Subscriber Server (HSS) (page 4, column 2, section 0080, line 1 – page 4, column 2, section 0083, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Fortman to include: (a) the call processing control entity is a Call Session Control Function (CSCF), (b) the CSCF includes a Multimedia Resource Function (MRF), (c) the MRF determines the intention of a calling party and sends a message to the

CSCF, the message instructing the CSCF to perform specified functionality based upon the intention of the calling party, and (d) the subscriber database is a Home Subscriber Server (HSS), as taught by Bharatia to describe a 3G wireless system in accordance with the invention. One of ordinary skill in the art would have been lead to make such a modification since a 3G wireless system which includes the components mentioned above can be utilized in a communication system for providing direction of calls to a multimedia mailbox of a wireless phone without, inherently, attempting to communicate with the wireless phone.

Response to Amendment

11. In response to the remarks (pages 10-12), of the Amendment filed on March 5, 2004, applicant argues that the Fortman reference fails to teach "automatically directing a caller to a multimedia mailbox associated with the wireless phone", "registering the wireless phone for direct multimedia mail service", "allowing calling communication units to go directly to the multimedia mailbox associated with the wireless user", "directing of a caller to a mailbox to leave a message", "receiving a call request for the wireless phone", and "how a caller is directed to the mailbox". The examiner disagrees with applicant. The cited reference clearly anticipates claim 9 of the claimed invention. Fortman clearly discloses a caller of a call communication unit sending a message to a direct multimedia mailbox or universal mailbox associated with a wireless phone of a subscriber (column 6, lines 61-66). The universal mailbox receives the message from the caller (column 7, lines 5-6). The subscriber or wireless user refers to a person that subscribes to or registers to the services provided by the universal mailbox (column 3, lines 38-40), therefore the wireless phone of the subscriber is registered for direct multimedia mail service. The universal mailbox service allows calling communication units, who may or may not

be a subscriber to this service, to go directly to the multimedia mailbox associated with the wireless user (column 4, lines 50-57; column 6, lines 61-66; column 7, lines 5-13). The voice mail server of the system directs the caller of a voice call to the subscriber's mailbox to leave a message (column 4, lines 50-57). A caller is directed to the universal mailbox when the caller sends a message to the subscriber (column 2, lines 48-50; column 6, lines 61-66; column 7, lines 5-13).

In conclusion, the elements of claim 9 of the claimed invention is well met by the cited reference above, please see the rejection and response above.

12. Claims 10, 12, and 14-23 are anticipated for the reasons set forth in claim 9. Please see all rejections and responses mentioned above, to reject claims 10, 12, and 14-23.

13. On page 11, Applicant argues that the Fortman reference does not anticipate "sending the call request to the wireless phone if the wireless phone has disabled the direct multimedia mail service." The examiner disagrees with Applicant. The cited reference clearly anticipates claim 12 of the claimed invention. Fortman discloses a caller can send a message to the universal mailbox or the subscriber's wireless phone (column 6, lines 66-67). If the subscriber decides to disable the service, the subscriber profile would inherently be updated (column 4, lines 22-30; column 5, lines 42-49) and the caller's message would inherently be sent to the subscriber's wireless phone. The message would, inherently, not be relayed further to the universal mailbox (column 7, lines 1-3).

In conclusion, the elements of claim 12 of the claimed invention is well met by the cited reference above, please see the rejections and responses above.

On page 12, Applicant argues that the Fortman reference fails to teach "registering a wireless phone for direct multimedia mail service that allows calls to go directly to the multimedia mailbox associated with the wireless phone", "an input port for receiving a direct multimedia mail request to be directed to the multimedia mailbox of the wireless phone without attempting to communicate with the wireless phone", and "an output port for directing request to the multimedia mailbox without attempting to communicate with the wireless phone". The Examiner disagrees with Applicant. The cited reference clearly anticipates claim 24 of the claimed invention. Fortman discloses the subscriber or wireless user refers to a person that subscribes to or registers to the services provided by the universal mailbox (column 3, lines 38-40), therefore the wireless phone of the subscriber is registered for direct multimedia mail service. The universal mailbox service allows calling communication units, who may or may not be a subscriber to this service, to go directly to the multimedia mailbox associated with the wireless user (column 4, lines 50-57; column 6, lines 61-66; column 7, lines 5-13).

The interface shown in (Figure 3, 310) serves as an input port for receiving a direct multimedia mail request (column 4, lines 16-21) to be directed to the multimedia mailbox of the wireless phone without, inherently, attempting to communicate with the wireless phone (column 6, lines 61-66). An output port for directing the request to the multimedia mailbox, wherein the service provider stores the request or message in the subscriber's mailbox (Figure 3, 320; column 7, lines 10-13), without, inherently, attempting to communicate with the wireless phone.

In conclusion, the elements of claim 24 of the claimed invention is well met by the cited reference above, please see the rejections and responses above.

14. Claims 25 and 27 are anticipated for the reasons set forth in claim 24. Please see all rejections and responses mentioned above, to reject claims 25 and 27.

15. Claim 27 is anticipated for the reasons set forth in claim 11. Please see all rejections and responses mentioned above, to reject claim 27.

16. Applicant's arguments with respect to claims 9, 10, 12, 14-25, 27, and 29 have been considered but are moot in view of the new ground(s) of rejection.

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314 (for formal communications intended for entry)

Or call:

(703) 306-0377 (for customer service assistance)

Hand-delivered responses should be brought to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lisa Hashem whose telephone number is (703) 305-4302. The examiner can normally be reached on M-F 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (703) 305-4895. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

LH
lh
May 5, 2004

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600